

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

NONA RICE,

Plaintiff,

v.

DON PECK'S TRANSPORTATION, LLC,

Defendant.

No. 08-0051-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

This matter comes before the Court for case management. A review of Plaintiff's amended complaint reveals that Plaintiff's allegations regarding citizenship for the parties is inadequate. She has merely alleged residency for herself and that Don Peck's Transportation, LLC is a corporation of Kentucky (Doc. 39).¹ Residency is not sufficient to establish diversity jurisdiction under 28 U.S.C. § 1332. "[A] mere averment of residence in a particular state is not an averment of citizenship in that state for the purposes of [diversity] jurisdiction." ***Steigleder v. McQuesten*, 198 U.S. 141, 143 (1905)**. "[R]esidence and citizenship are not synonyms and it is the

¹The Court notes that Plaintiff's original complaint contained the correct allegations regarding diversity jurisdiction (Doc. 4).

latter that matters for purposes of the diversity jurisdiction.” ***Meyerson v. Harrah's E. Chicago Casino***, 299 F.3d 616, 617 (7th Cir. 2002). *See also Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448 (7th Cir. 2000) (“[A]llegations of residence are insufficient to establish diversity jurisdiction.”); ***Held v. Held***, 137 F.3d 998, 1000 (7th Cir. 1998) (same).

Thus, the Court **DISMISSES** without prejudice Plaintiff's Second Amended Complaint to correct the jurisdictional deficiencies. The Court **ALLOWS** Plaintiff up to and including November 12, 2009 to file an amended complaint. Further, the Court **REMINDS** Plaintiff that she has an obligation to serve the amended complaint upon Defendant pursuant to the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed this 5th day of November, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**